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EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS: ADAPTATION AND STRENGTHENING OF THE UNITED NATIONS MACHINERY FOR HUMAN RIGHTS

Written Statement* submitted by the International Centre for Human Rights and Democratic Development (Rights & Democracy), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 January 2002]

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*/ This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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1. Human rights promotion and protection has always stood out as a principal mandate of the United Nations. The Secretary General's Millennium Report "We the People" highlighted that a large number of people around the world consider the promotion and protection of human rights to be among the most important tasks of the UN.

2. In recent years, there has been a dramatic upsurge in the number of States having adhered to international human rights instruments and an increased awareness of human rights issues. Accompanying this increased visibility is a growth in the number of special procedures, State reports and individual complaints submitted to the treaty bodies. However, the intensity of human rights violations in some parts of the world far exceeds the capacity of global institutions to prevent their recurrence and to effectively address their causes and consequences. The UN human rights mechanisms are struggling to react appropriately to existing human rights violations, let alone adopt the preventive strategy which would ultimately be their ideal role.

3. In response to the growing challenges and financial problems faced by the UN human rights mechanisms, Rights & Democracy, with the encouragement, cooperation and support of the UN High Commissioner for Human Rights, Ms. Mary Robinson, and her Office, convened a think tank discussion on "Strengthening the work of the UN on the protection and promotion of human rights: Financing the UN human rights mechanisms" in Ottawa, Canada, on June 15, 2001. The think tank was attended by over 60 individuals, including academics, non-governmental organizations (NGOs) and government representatives. Many proposals identifying the obstacles to the effective implementation of the UN human rights mechanisms and broadening their financial support were put forward.

Providing greater financial resources to the UN human rights system

4. Amongst those working in the field of human rights, a clear sense has emerged that funding for the UN human rights system is inadequate. At present, human rights work within the UN receives only approximately 1.5% of the UN regular budget. Such a low figure is inconsistent with the professed importance of human rights to the UN and the resources actually devoted to their realization. For 2002, the Office of the High Commissioner for Human Rights (OHCHR) sought, in its *Annual Appeal*, US$ 22,455,150 from the UN regular budget and an additional US$ 55,778,746 from voluntary contributions1. It is puzzling, to say the least, that such a significant UN body is forced to beseech donors for more than two thirds of the funds necessary for its operations.

5. First and foremost, what is required, is greater financial resources dedicated to the protection and promotion of human rights. It may be appropriate to recall that there have been requests to make available increased resources for human rights from the UN regular budget. In 1993, the World Conference on Human Rights requested that the Secretary-General and the General Assembly "take immediate steps to increase substantially the

1 OHCHR, *Annual Appeal 2002: Overview of Activities and Financial Requirements*, p.7.

resources for the human rights programme from within the existing and future regular budgets of the United Nations"2.

The financial situation of the UN human rights mechanisms can be significantly improved through increased contributions from the UN regular budget. Rights & Democracy believes that the procedure set out in General Assembly resolution 41/2133 regarding the financing of mandate activities and programmes must be applied.

6. Securing proper financing is not, in itself, enough. It is insufficient to simply demand more funds for human rights from the UN regular budget. We must not forget the big picture: the problem of the overall financial difficulties faced by the UN. The failure of some Member States to pay their dues in full, and on time, causes serious financial turmoil that reduces the capacity of the UN to act in a timely and effective manner. Therefore, for the UN to be in the forefront of the global effort to effectively promote and protect human rights, both resources and political will of its Members States are a necessity.

A simple solution to this problem would be to ensure that States fulfil their legal obligation under Article 17 of the UN Charter, and that membership dues are paid in full and on time, or that States with tardy or incomplete payments pay their outstanding dues immediately. It is also imperative that NGOs pressure recalcitrant States in international fora and increase public awareness in their respective countries on these issues.

7. The UN should also seek to diversify its funding sources as much as possible. There are other ways to amplify the resources and capacities of the UN human rights system that go beyond the options of increasing funding and enforcing Member States obligations. To this end, Rights & Democracy recommends to the OHCHR and to the Commission on Human Rights to:

(1) pursue with States, NGOs, and corporations an in-depth discussion to explore more seriously the possibility of innovative forms of funding;
(2) establish a general trust fund for voluntary donations for the support of all human rights activities undertaken by the Office;
(3) work to increase the monetary and in-kind contributions provided by civil society organizations to the UN human rights system;
(4) encourage the establishment of civil society partnerships with UN human rights mechanisms;
(5) propose in the biennium (2002-2003) regular budget specific projects that would encourage financial participation by NGOs, States and the private sector.

<u>Strengthening the effectiveness of the mechanisms</u>

8. The achievement of greater effectiveness in promoting human rights requires more than just additional financial resources. The UN human rights treaty bodies and special

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2 AG, *Vienna Declaration and Programme of Action*, UN Doc. A/CONF.157/23, 12 July 1993, Part II, para. 9.
3 "Review of the efficiency of the administrative and financial functioning of the United Nations", 19 December 1986.

procedures are at the core of the international system for the promotion and protection of human rights. These mechanisms are unique among international human rights bodies and should be strengthened not weakened.

9. To ensure that the work of these mechanisms is not curtailed in any way, Rights & Democracy makes the following recommendations:

(1) The United Nations should continue to pursue with vigour its efforts to mainstream human rights and to ensure that the protection and promotion of human rights lie at the centre of its actions and programmes;

(2) Allocate more human resources to support the work of the treaty bodies and the special procedures;

Limited resources have imposed serious constraints on the activities of the special mechanisms, whose mandates cannot always be serviced as effectively and thoroughly as their importance would warrant. As noted by the High Commissioner in *her Annual Appeals* for 2001 and 2002, "while the number of special procedures mandates has grown, staffing and other resources to support the mandates have not increased in real terms, let alone proportionately to the increase in mandates"4. The UN system cannot be expected to mainstream human rights, as called for in the Secretary-General's report on UN reform, unless extra resources are made available.

Additional staff is required by the OHCHR to provide the necessary backup and support required by the treaty bodies and the thematic and country-specific mechanisms to ensure that mandate holders can respond to requests for action in a timely and effective manner. Such support is needed for travel, administrative work, research and training.

Rights & Democracy encourages all Member States to make generous financial contributions to the OHCHR to ensure better secretariat and other technical services to treaty bodies and special procedures.

10. The effective functioning of human rights mechanisms also requires the cooperation and assistance of all those involved in the process. Unfortunately, many governments act as though the protection of human rights ends with the ratification of relevant treaties. Many States neglect the continuing obligations that these treaties impose on them. Therefore, Rights & Democracy believes that UN Member States can dramatically contribute to the effectiveness of the human rights mechanisms by:

(1) complying fully with the obligations assumed under international human rights treaties;
(2) seriously taking into account and implementing treaty body recommendations;
(3) ensuring that reports to treaty bodies are submitted punctually;

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4 OHCHR, *Annual Appeal 2001: Overview of Activities and Financial Requirements*, p.25; OHCHR, *Annual Appeal 2002: Overview of Activities and Financial Requirements*, p.99.

(4) improving information about, and access to, individual complaints procedures;
(5) facilitating the visits of Special Rapporteurs and taking their recommendations into account;
(6) making efforts to ensure the independence of treaty body members.

12. The potential of NGOs assistance and support to the effectiveness of the UN human rights mechanisms has not been fully explored. Last year, the High Commissioner for Human Rights posed this question to the 57th Commission on Human Rights: "How can we tap in more to the immense resources of the NGO community and involve them more directly in the work of the UN?"5. Along with other members of civil society, NGOs have a vital role to play in ensuring that the UN can become a relevant instrument in a world of increasing complexity and live up to its guiding principles as stated in its founding document, the UN Charter, and the Universal Declaration of Human Rights.

13. There are many challenges facing the UN human rights mechanisms. With the assistance and cooperation of all those concerned, at the international, regional and national levels, the effectiveness of the human rights mechanisms can be strengthened and enhanced.

14. We urge the Commission on Human Rights to do everything in its power to ensure that greater resources and assistance are made available for better servicing of the treaty bodies and special procedures.

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5 *Statement by Mary Robinson, United Nations High Commissioner for Human Rights at 57th Commission on Human Rights* (Geneva: 19 March 2001), online: United Nations High Commissioner for Human Rights < http://www.unhchr.ch/huricane/huricane.nsf/NewsRoom?OpenFrameSet>.